

**FILED**  
**U.S. DISTRICT COURT**  
**FOR THE DISTRICT OF MASSACHUSETT**

2007 MAY 24 P 1:20

Eyidi Ambila A# ~~REDACTED~~

(Petitioner)

V.

Andrea J Cabral, Sherriff  
(Suffolk House of Corrections)

U.S. DISTRICT COURT  
DISTRICT OF MASS.

MAGISTRATE JUDGE Sorokin

**07 CA 11030 GAO**

**Emergency petition for writ of Habeas corpus under 28 U.S.C.S 2241  
For release of the petitioner from custody pursuant to ZADVYDAS V. DAVIS, 121  
S.Ct at 2503.**

As grounds, therefore, the petitioner states: in this case the ninety-days statutory removal period expired and the presumptive six-month period also expired. Hence the petitioner is entitled for release since ICE failed to remove the petitioner as directed by the relevant statutes. The Honorable former Chief Judge, William Young, previously ruled that the release of the petitioner is not departmental after ninety-day statutory removal period expired see, Arrevalo V. Ashcroft (D.Mass.2003). In the petitioner's case the statutory period of removal expired and the presumptive periods of removal is not necessary.

The integers of the calculus that must be applied to resolve the issue of wether detention appropriate, or constitutional change in direct proportion and the relationship to the amount of time that has passed. As former Chief Judge Weinstein of United States District Court for the Eastern District of New York explained in his characteristically thorough and well reasoned decision in U.S. V. Gallo, 653 F.Supp.320, 334-35(E.D.N.Y.). Accordingly, the detention has become punitive and the petioner is entitled release pursuant to the above referenced Supreme Court ruling and the relevant statutes. Petitioner's country never will issue travel documents for the petitioner and they do not recognize him as a citizen, so his detention is punitive and senseless. Petitioner has met the required standard of "not in the foreseeable future" in relation to his travel documents being issued.

**Background:**

Petitioner is 25 years old, and married to Anna Faye Darby Ambila. He has three children, his son Kobe Iasiah, his step-daughter Sevanna, and his step-son Steven. Petitioner is currently a student at University of Maine Augusta, in the B.A. of Biology Program. He will be working at the Nicholas Company in Portland Maine, where he resides with his family. Petitioner also has family that live in Watertown, MA his Father Mulume Victor Ambila president of NGO-ACLUF of America(recognized by UNESCO), Minister, Biomedical/Electrical Engineer, who is an American citizen. His

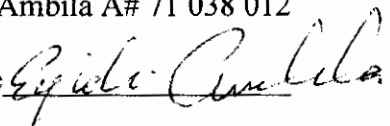
Mother Becky Ambila a Med-Tech, who is a permanent resident, his 22 year old Sister Gigi Ambila a student recent graduate of Temple University, who is a permanent resident, his 14 year old Sister Michelle Ambila student at Watertown High School, a citizen, his Brother 12 year old Brother Alex Ambila a student at Watertown Middle School, a citizen, his 10 year old Brother Maurice Ambila a student at Lowell School, a citizen, his 1 year old Sister Desiree a citizen, and his Uncle Reverend Dewey Fagerburg NAACP Liason in the State of Maine.

Petitioner has a substantial productive life to attend and to keep him incarcerated only hinders the productivity and support he can provide to his family. Petitioner is asking for his immediate release from detention so he can become an asset to the community.

Respectfully submitted,

Eyidi Ambila A# 71 038 012

Signature



Address: Eyidi Ambila ID# 0602592  
Suffolk County House of Correction  
20 Bradston Street  
Boston, MA 02118

**Certificate of Service**

I, hereby certify that I mailed a copy of the following Habeas Corpus on May 23, 2007, with enough postage on it via first class mail to U.S. Assistant Attorney Frank Crowley at the following address;

U.S. Assistant Attorney  
Frank Crowley  
JFK Building Room 402  
15 New Sudbury St.  
Boston, MA 02203

Respectfully Submitted,  
Eyidi Ambila